

**For Public Use**

**KANSAS**  
**SPILL NOTIFICATION**

**Kansas Department of  
Health and Environment**

Bureau of  
Environmental  
Remediation

<http://www.kdhe.state.ks.us/spill/>

Updated Oct 25, 2006

## **INDEX**

Spill Reporting Instructions: .....	3
Other Emergency Telephone Numbers .....	4
Wildlife and Fish Kills .....	4
Agricultural Related Spills .....	5
Food Protection and Consumer Safety .....	5
Occupational Safety & Health Administration (OSHA) .....	5
Kansas Poison Control Centers.....	5
KDHE District Offices – Environment .....	6
Kansas Corporation Commission District Offices .....	7
K. A. R. 28-48. – Spill Reporting.....	8
K. S. A. 65-171d – Prevention of Water Pollution.....	9
K. S. A. 65-171v – Cleanup Operations .....	11
Disclaimer .....	11

## **SPILL REPORTING INSTRUCTIONS:**

Kansas Regulation K.A.R. 28-48 as authorized by K.S.A. 65-171d explains what is reportable to Kansas Department of Health and Environment (KDHE). K.A.R. 28-48 and K.S.A. 65-171d are included on pages 9 through 15 of this packet. To satisfy the requirements of K.A.R. 28-48-2 you must report all spills that impact the soils or waters of the state to KDHE.

### **KDHE Spill / Complaint Reporting Number (24/7)**

**785-296-1679**

If you call after normal business hours, the call will be forwarded to KDHE staff on call, and they will take the report and provide assistance. Please note that depending on the situation your call may go to a pager in which case please enter your phone number at the prompt and a staff member will return the call as soon as possible. **The spiller is responsible** to report to all of the appropriate state agencies depending on the material and volume spilled.

**If the release is not contained or threatens the health or safety of the local population** the Local Emergency Planning Committee (LEPC) within the county of the release must be notified first by dialing 911. Hazardous materials spills and air releases that meet federal reportable quantities must **also** be reported to Kansas Division of Emergency Management (KDEM), which receives reports for the State Emergency Response Commission (SERC). Report natural disasters and any potential terrorism events to KDEM.

### **KDEM hazardous materials spills and air releases**

**800-275-0297**

### **KDEM natural disasters and terrorism events**

**800-905-7521**

Spills that originate on oil and gas leases should be reported to the KCC as listed on page 7. If you cannot reach KCC, then call the KDHE reporting number.

In addition to the Kansas reporting law you must also report any hazardous material spill or an oil spill that has impacted or threatens a waterway to the National Response Center (NRC). It is the spiller's responsibility to report such spills to the NRC.

### **NRC 24-hour number**

**800-424-8802**

## **OTHER EMERGENCY TELEPHONE NUMBERS**

### **Kansas Division of Emergency Management**

24-Hour Emergency Number	(800) 905-7521 or (785) 296-3176
24-Hour Hazardous Materials Reporting	(800) 275-0297 or (785) 296-8013
Administration	(785) 274-1418
Kansas Threat Integration Center	(785) 274-1117

### **Kansas Fire Marshal Office**

Hazmat Regional Response Team Request (Local authorities may request mutual aid response)	(866)-KHAZMAT or (866) 542-9628
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### **Environmental Protection Agency (EPA)**

Kansas City Office      24-Hour Spill Number	(913) 281-0991
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<b>National Spill Response Center</b> 24-Hour Spill Number	(800) 424-8802
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<b>Chemtrec</b> (Chemical Information About Spilled Material)	(800) 424-9300
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### **Centers for Disease Control**

For Health Effects of Spilled Material (24 Hours)	(404) 639-0615
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<b>Kansas Highway Patrol</b> 24-Hour Dispatch Turnpike	(785) 827-4437 (316) 682-4537
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<b>Kansas Bureau of Investigation</b> (Statewide crime number)	(785) 296-8200
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### **Kansas Department of Health and Environment**

#### **Bioterror, Biohazards and Disease Issues**

Epidemiologist	(877) 427-7317
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#### **Municipal Sewage Releases & Public Water Supply Problems**

KDHE District Office:	(see District List page 6)
(After Business Hours)	(785) 296-1679

<b>Meth Lab Program</b>	(785) 368-7300
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### **WILDLIFE AND FISH KILLS**

#### **KDHE Fish Kill Notification**

(After Business Hours)	(see District List page 6)
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(785) 296-1679
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#### **Kansas Department of Wildlife and Parks**

Pratt- Operations Office	(620) 672-5911
Topeka- Administration Office	(785) 296-2281
Operation Game Thief (Emergency CO response)	(877) 426-3843

<b>U.S. Fish &amp; Wildlife Service</b>	(785) 539-3474
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## **AGRICULTURAL RELATED SPILLS**

### **Pesticides and Fertilizers**

Notify KDHE Spill Line (24 Hours per day) (785) 296-1679

### **Kansas Department of Agriculture Technical Assistance & Facility Permit Information**

Topeka Office: (785) 296-0672

Topeka Fax (785) 296-0673

### **Animal Waste Releases/Spills:**

#### **KDHE Confined Animal Feeding Operations (CAFO)**

KDHE District Office: (see District List page 6)

KDHE Statewide Reporting Number (24 Hours per day) (785) 296-1679

### **Traffic Accidents Involving Livestock & Livestock Disease**

Kansas Department of Animal Health (785) 296-2326

## **FOOD PROTECTION AND CONSUMER SAFETY**

### **KDHE Division Of Health**

(Restaurants, fast food, taverns/clubs, schools, street vendors) (785) 296-5600

EMERGENCY (785) 296-1679

### **Kansas Department of Agriculture**

(Grocery & convenience stores, distribution, transportation) (785) 296-3511

EMERGENCY After Business Hours: (800) 915-6163

## **OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION (OSHA)**

### **Worker exposure to hazardous materials or environmental hazards:**

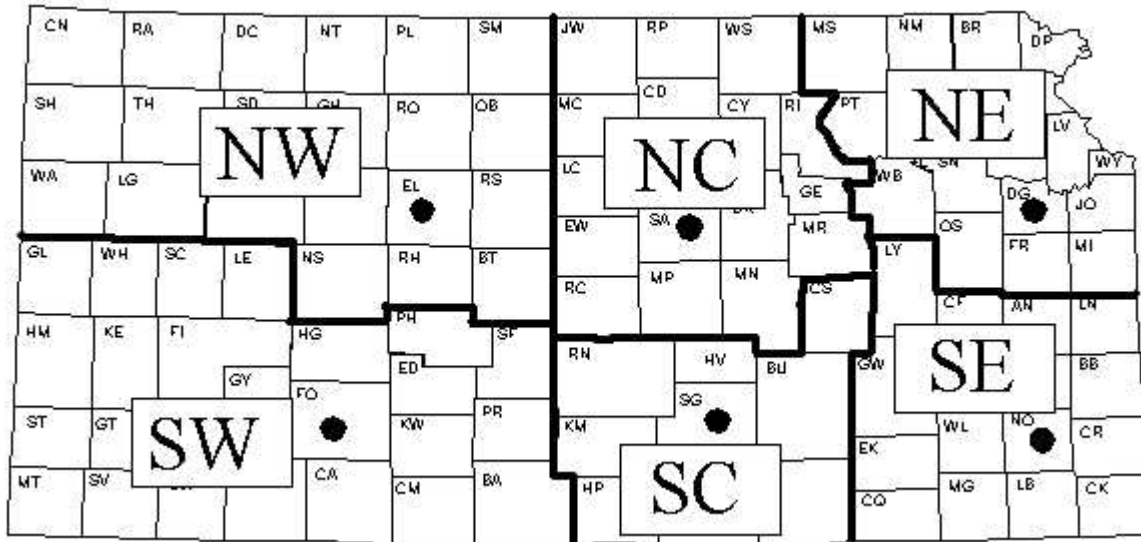
OSHA Area Office for Kansas Complaints (800) 362-2896

## **KANSAS POISON CONTROL CENTERS**

Mid America Poison Center (800) 332-6633

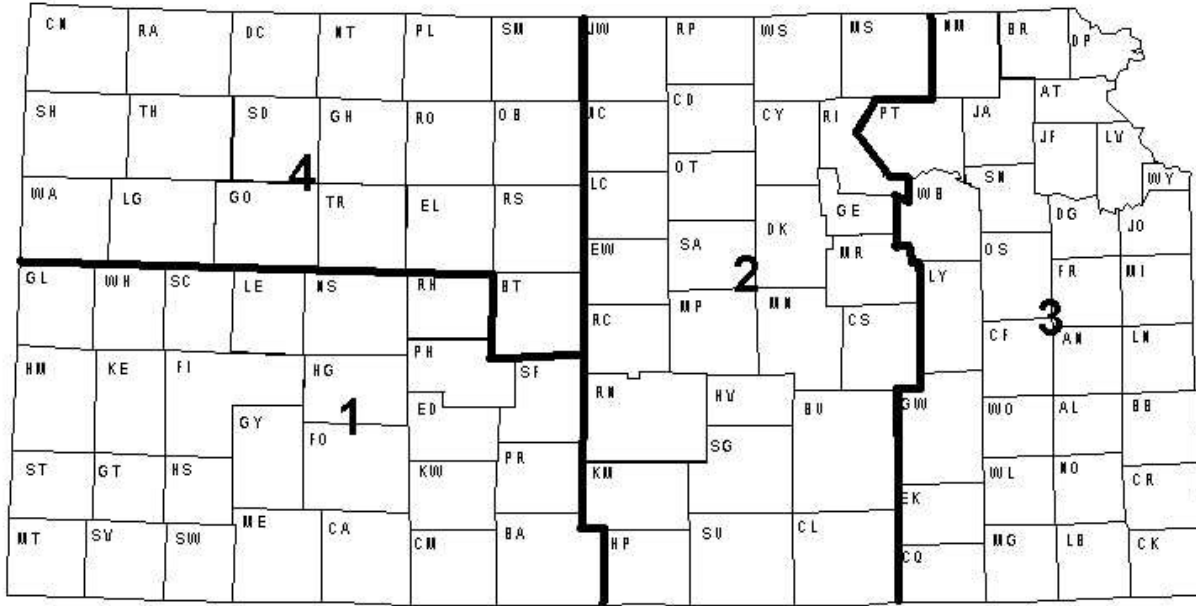
<b>State Coordinator</b>	University of Kansas Medical Center 39 <sup>th</sup> and Rainbow Blvd. Kansas City	(913) 588-6633
<b>Emporia</b>	Newman Medical Center 12 <sup>th</sup> and Chestnut Streets	(785) 434-6800 Ext. 381
<b>Great Bend</b>	Central Kansas Medical Center 3515 Broadway	(620) 792-2511 Ext. 115
<b>Hays</b>	Hadley Regional Medical Center 201 East 7 <sup>th</sup> Street	(785) 628-8251 Ext. 145
<b>Salina</b>	St. John's Hospital 139 North Penn Street	(785) 827-3187
<b>Topeka</b>	Stormont-Vail Medical Center 1500 SW 10 <sup>th</sup> Street	(785) 354-6100
<b>Wichita</b>	Wesley Medical Center 550 North Hillside Avenue	(316) 688-2277

## KDHE DISTRICT OFFICES – ENVIRONMENT



<b>DISTRICT</b>	<b>PHONE and FAX</b>	<b>ADDRESS</b>
1 <b><u>SOUTHWEST DISTRICT OFFICE</u></b> AL GUERNSEY, Administrator DOUG DOUBEK, Env. Geol.	<b>SWDO</b> <b><u>(620) 225-0596</u></b> FAX (620) 225-3731	302 W. McArtor Rd., Dodge City 67801
2 <b><u>SOUTH CENTRAL DISTRICT OFFICE</u></b> MICHAEL JONES, Administrator KYLE PARKER, Env. Geol. MEER HUSAIN, Env. Geol. STANLEY MARCOTTE, Env. Scientist	<b>SCDO</b> <b><u>(316) 337-6020</u></b> FAX (316) 337-6023	130 S. Market, 6th Floor, Wichita, KS 67202-3802
3 <b><u>SOUTHEAST DISTRICT OFFICE</u></b> DAVID STUTT, Administrator WILLIAM THORNTON, Env. Geol.	<b>SEDO</b> <b><u>(620) 431-2390</u></b> FAX (620) 431-1211	1500 W. 7th, Chanute, KS 66720
4 <b><u>NORTHEAST DISTRICT OFFICE</u></b> JULIE COLEMAN, Administrator DANIEL KELLERMAN, Env. Geol. TOM WINN, Env. Geol. MEREDITH ROTH, Env. Tech.	<b>NEDO</b> <b><u>(785) 842-4600</u></b> FAX (785) 842-3537	800 W. 24th Street, Lawrence, KS 66046
5 <b><u>NORTH CENTRAL DISTRICT OFFICE</u></b> RICK BRUNETTI, Administrator SCOTT LANG, Env. Geol. HOWARD DEBAUCHE, Env. Geol.	<b>NCDO</b> <b><u>(785) 827-9639</u></b> FAX (785) 827-1544	501 Market Place, Suite D & E, Salina, KS 67401
6 <b><u>NORTHWEST DISTRICT OFFICE</u></b> DAN WELLS, Administrator BILL HEIMANN, Env. Geol. DARELL SHIPPY, Env. Tech.	<b>NWDO</b> <b><u>(785) 625-5663</u></b> FAX (785) 625-4005	2301 East 13th, Hays, KS 67601
<b><u>SURFACE MINING SECTION</u></b> MURRAY BALK, Hydrologist	<b>SMS</b> <b><u>(620) 231-8540</u></b> FAX (620) 231-0753	4033 Parkview Drive, Frontenac, KS 66763

## KANSAS CORPORATION COMMISSION DISTRICT OFFICES



<b>District # 1</b>	<b>(620) 225-8888</b> <b>304 W. McArtor</b> <b>Dodge City, KS 67801</b> <b>Field Supervisor – Steve Durrant</b>	<b>Fax (620) 225-8885</b>
<b>District # 2</b>	<b>(316) 630-4000</b> <b>3450 N. Rock Rd, Bldg 600, Ste 601</b> <b>Wichita, KS 67226</b> <b>Field Supervisor – Doug Louis</b>	<b>Fax (316) 630-4005</b>
<b>District # 3</b>	<b>(620) 432-2300</b> <b>1500 W. 7<sup>th</sup></b> <b>Chanute, KS 66720</b> <b>Field Supervisor – Steve Korf</b>	<b>Fax (620) 432-2309</b>
<b>District # 4</b>	<b>(785) 625-0550</b> <b>2301 E. 13<sup>th</sup> Street</b> <b>Hays, KS 67601</b> <b>Field Supervisor – Herb Deines</b>	<b>Fax (785) 625-0564</b>
<b>Conservation Office</b>	<b>(316) 337-6200</b> <b>130 S. Market, Rm 2078</b> <b>Wichita, KS 67202</b> <b>Director, M. L. Korpharge</b>	<b>Fax (316) 337-6211</b>

## **K. A. R. 28-48. – SPILL REPORTING**

28-48-1. **Definitions.** The following words and phrases when used in these regulations have the meanings respectively ascribed to them in this section.

(a) "Owner" means individual, partnership, firm, trust, company, association, corporation, institution, political subdivision or agency which is financially responsible for the material or facility.

(b) "Person responsible" means person or organization which has been placed in control of the material or facility by the owner.

(c) "Waters of the state" means all streams and springs, and all bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State. (Authorized by and implementing K.S.A. 1984 Supp. 65-171d; effective May 1, 1986.)

28-48-2. **Action required.** All sewage, substances, materials, or wastes, as set forth in 65-171d, regardless of phase or physical state, which are, or threaten to contaminate or alter any of the properties of the waters of the state or pollute the soil in a detrimental, harmful, or injurious manner or create a nuisance, shall be reported in the following manner:

(a) The owner or person responsible for the discharge or escape of materials detrimental to the quality of waters of the state or pollution of the soil under conditions other than provided by a valid permit issued by the secretary of health and environment, shall report the discharge or escape to the Kansas department of health and environment.

(b) Emergency or accidental discharge of materials which are detrimental to the quality of waters of the state or tend to cause pollution of the soil shall be immediately reported to the Kansas department of health and environment by the owner, owner's representatives, or person responsible. In the event the pollution causing material is in transit or in storage within the state, the owner, carrier, or person responsible for storage shall be responsible for immediate notification to the Kansas department of health and environment that the pollutant will gain admittance to the waters of the state or the soil. (Authorized by and implementing K.S.A. 1984 Supp. 65-171d; effective May 1, 1986.)



## **K. S. A. 65-171d – PREVENTION OF WATER POLLUTION**

### **Chapter 65. --PUBLIC HEALTH**

#### **Article 1. --SECRETARY OF HEALTH AND ENVIRONMENT, ACTIVITIES**

65-171d. Prevention of water pollution; standards; permits; exemption; orders; hearings; appeals; fees; confined feeding facilities, registration prior to construction, separation distance requirements, exemptions.

(a) For the purpose of preventing surface and subsurface water pollution and soil pollution detrimental to public health or to the plant, animal and aquatic life of the state, and to protect beneficial uses of the waters of the state and to require the treatment of sewage predicated upon technologically based effluent limitations, the secretary of health and environment shall make such rules and regulations, including registration of potential sources of pollution, as may in the secretary's judgment be necessary to:

- (1) Protect the soil and waters of the state from pollution resulting from underground storage reservoirs of hydrocarbons and liquid petroleum gas;
- (2) Control the disposal, discharge or escape of sewage as defined in K.S.A. 65-164 and amendments thereto, by or from municipalities, corporations, companies, institutions, state agencies, federal agencies or individuals and any plants, works or facilities owned or operated, or both, by them; and
- (3) Establish water quality standards for the waters of the state to protect their beneficial uses.

(b) The secretary of health and environment may adopt by reference any regulation relating to water quality and effluent standards promulgated by the federal government pursuant to the provisions of the federal clean water act and amendments thereto, as in effect on January 1, 1989, which the secretary is otherwise authorized by law to adopt.

(c) For the purposes of this act, including K.S.A. 65-161 through 65-171h and K.S.A. 2000 Supp. 65-1,178 through 65-1,198, and amendments thereto, and rules and regulations adopted pursuant thereto:

- (1) "Pollution" means:
  - (A) Such contamination or other alteration of the physical, chemical or biological properties of any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to the plant, animal or aquatic life of the state or to other designated beneficial uses; or
  - (B) Such discharge as will or is likely to exceed state effluent standards predicated upon technologically based effluent limitations.
- (2) "Confined feeding facility" means any lot, pen, pool or pond:
  - (A) Which is used for the confined feeding of animals or fowl for food, fur or pleasure purposes;
  - (B) Which is not normally used for raising crops; and
  - (C) In which no vegetation intended for animal food is growing.
- (3) "Animal unit" means a unit of measurement calculated by adding the following numbers: The number of beef cattle weighing more than 700 pounds multiplied by 1.0; plus the number of cattle weighing less than 700 pounds multiplied by 0.5; plus the number of mature dairy cattle multiplied by 1.4; plus the number of swine weighing more than 55 pounds multiplied by 0.4; plus the number of swine weighing 55 pounds or less multiplied by 0.1; plus the number of sheep or lambs multiplied by 0.1; plus the number of horses multiplied by 2.0; plus the number of turkeys multiplied by 0.018; plus the number of laying hens or broilers, if the facility has continuous overflow watering, multiplied by 0.01; plus the number of laying hens or broilers, if the facility has a liquid manure system, multiplied by 0.033; plus the number of ducks multiplied by 0.2. However, each head of cattle will be counted as one full animal unit for the purpose of determining the need for a federal permit. "Animal unit" also includes the number of swine weighing 55 pounds or less multiplied by 0.1 for the purpose of determining applicable requirements for new construction of a confined feeding

facility for which a permit or registration has not been issued before January 1, 1998, and for which an application for a permit or registration and plans have not been filed with the secretary of health and environment before January 1, 1998, or for the purpose of determining applicable requirements for expansion of such facility. However, each head of swine weighing 55 pounds or less shall be counted as 0.0 animal unit for the purpose of determining the need for a federal permit.

- (4) "Animal unit capacity" means the maximum number of animal units, which a confined feeding facility is designed to accommodate at any one time.
- (5) "Habitable structure" means any of the following structures which is occupied or maintained in a condition which may be occupied and which, in the case of a confined feeding facility for swine, is owned by a person other than the operator of such facility: A dwelling, church, school, adult care home, medical care facility, child care facility, library, community center, public building, office building or licensed food service or lodging establishment.
- (6) "Wildlife refuge" means Cheyenne Bottoms wildlife management area, Cheyenne Bottoms preserve and Flint Hills, Quivera, Marais des Cygnes and Kirwin national wildlife refuges.

(d) In adopting rules and regulations, the secretary of health and environment, taking into account the varying conditions that are probable for each source of sewage and its possible place of disposal, discharge or escape, may provide for varying the control measures required in each case to those the secretary finds to be necessary to prevent pollution. If a freshwater reservoir or farm pond is privately owned and where complete ownership of land bordering the reservoir or pond is under common private ownership, such freshwater reservoir or farm pond shall be exempt from water quality standards except as it relates to water discharge or seepage from the reservoir or pond to waters of the state, either surface or groundwater, or as it relates to the public health of persons using the reservoir or pond or waters there from.

(e)

- (1) Whenever the secretary of health and environment or the secretary's duly authorized agents find that the soil or waters of the state are not being protected from pollution resulting from underground storage reservoirs of hydrocarbons and liquid petroleum gas or that storage or disposal of salt water not regulated by the state corporation commission or refuse in any surface pond is causing or is likely to cause pollution of soil or waters of the state, the secretary or the secretary's duly authorized agents shall issue an order prohibiting such underground storage reservoir or surface pond. Any person aggrieved by such order may within 15 days of service of the order request in writing a hearing on the order.
- (2) Upon receipt of a timely request, a hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act.
- (3) Any action of the secretary pursuant to this subsection is subject to review in accordance with the act for judicial review and civil enforcement of agency actions.

(f) The secretary may adopt rules and regulations establishing fees for the following services:

- (1) Plan approval, monitoring and inspecting underground or buried petroleum products storage tanks, for which the annual fee shall not exceed \$5 for each tank in place;
- (2) Permitting, monitoring and inspecting salt solution mining operators, for which the annual fee shall not exceed \$1,950 per company; and
- (3) Permitting, monitoring and inspecting hydrocarbon storage wells and well systems, for which the annual fee shall not exceed \$1,875 per company.

## **K. S. A. 65-171v – CLEANUP OPERATIONS**

Chapter 65. --PUBLIC HEALTH

Article 1. --SECRETARY OF HEALTH AND ENVIRONMENT, ACTIVITIES

65-171v. Cleanup operations for water or soil pollutants; duties of secretary; recovery of costs by attorney general and disposition thereof. Whenever a water or soil pollutant is discharged intentionally, accidentally or inadvertently and the secretary of health and environment or his or her authorized representative determines that the discharged material must be collected, retained or rendered innocuous, and if a discharger refuses to undertake cleanup operations or if the responsible discharger is unknown at the time, the secretary or his or her authorized representative may enter into an agreement with a person to conduct the necessary cleanup operations with payment for such cleanup work to be provided from the pollutant discharge cleanup fund. Any person responsible for or causing the discharge of materials which are determined necessary to cleanup under the provisions of this act shall be responsible for repayment of the costs of cleanup work upon reasonably detailed notification by the secretary or his or her authorized representative. If the responsible person fails to promptly submit payment for costs of the cleanup operations when so notified, such payment shall be recoverable in an action brought by the attorney general on behalf of the people of the state of Kansas in the district court of the county in which such costs were incurred. Any moneys recovered under this section shall be remitted to the state treasurer. Upon receipt thereof, the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the pollutant discharge cleanup fund.

History: L. 1979, ch. 269, § 2; July 1.

### **DISCLAIMER**

The following regulations represent an electronic facsimile of Kansas Administrative Regulations, promulgated by the Kansas Department of Health and Environment and published by the Kansas Secretary of State. These rules are taken from electronic copies of the printed state regulations that serve as the agency's official rules and regulations. The printed regulations represent the final word in matters of interpretation.

The KDHE Office of Public Information has appended copies of the *Kansas State Register* publication of new or amended, permanent KDHE regulations to the appropriate chapter. Those amendments are noted on the cover sheet for each chapter. In the interest of saving space, some chapters have been grouped together. Nothing contained herein should be construed as legal advice by KDHE. If you are not an attorney, you should secure competent counsel to interpret the regulations and advise you.

While every effort has been made to assure the accuracy, these electronic copies do not represent the official regulations of the state. The official regulations are the bound copies printed by the Secretary of State